

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CORY MARTIN,

Plaintiff,

v.

UNIFIED PS GROUP,

Defendant.

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No. 4:14-cv-71

PLAINTIFF’S COMPLAINT

CORY MARTIN (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against UNIFIED PS GROUP (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.

PARTIES

6. Plaintiff is a natural person residing in Frisco, Denton County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company and with an office in Cheektowaga, New York.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Upon information and belief, Plaintiff does not owe the alleged debt Defendant is attempting to collect.
12. On September 6, 2013, Plaintiff placed a telephone call to Defendant, informed Defendant that he was not the individual Defendant was attempting to contact, and requested that Defendant cease placing calls to Plaintiff.
13. Despite Plaintiff's request to stop, Defendant placed at least four (4) collection calls to Plaintiff at the following dates and times:
- September 10, 2013: two (2) calls at 3:14pm and 3:31pm;
 - November 6, 2013: two (2) calls at 5:46pm and 5:50pm.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural consequence is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, CORY MARTIN, respectfully requests judgment be entered against Defendant, UNIFIED PS GROUP for the following:

2. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
3. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
4. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

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